



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,297	07/22/2003	Mitchell Cecil Hand		7885
41131	7590	07/14/2005		
KENNETH EARL DARNELL 2010 WEST SEVENTH STREET COFFEYVILLE, KS 67337			EXAMINER SEMBER, THOMAS M	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/625,297	Applicant(s) HAND, MITCHELL CECIL	
	Examiner Thomas M. Sember	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However because this application is based on amended claims filed on 01/18/2005, this office action is properly made final.

### ***Claim Objections***

2. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 14). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form..

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson et al. Dawson et al discloses a method for fabrication of a luminaire. comprising the steps of selecting a pattern evocative (a pattern of evocation is created

Art Unit: 2875

because with the opaque and non-opaque patterns of the luminaire 20 and 22, the aesthetic appearance is app[roved when the light is extinguished) of an association on the part of an intended user of the luminaire with a person, place or thing and forming a pattern on at least certain surfaces of the luminaire, said pattern 20 being impervious and visible to the user on use of the luminaire in a normally intended manner.

Regarding claim 3, the intended use recitation "luminaire is a shoplight" is an intended use limitation. Thus, since Dawson et al is capable of being used as a shoplight it meets this claimed limitation.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 9, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Otaka. Otaka discloses a method for fabrication of a luminaire comprising the steps of selecting a pattern evocative (a pattern of evocation is created because with the opaque and non-opaque patterns of the luminaire 36 and 34, the aesthetic appearance is approved when the light is extinguished) of an association on the part of an intended user of the luminaire with a person, place or thing and forming a pattern on at least certain surfaces of the luminaire, said pattern 34 being impervious and visible to the user on use of the luminaire in a normally intended manner. Regarding claim 3, the

intended use recitation "luminaire is a shoplight" is an intended use limitation. Thus, since Otaka is capable of being used as a shoplight it meets this claimed limitation.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Korengold. Korengold discloses a method for fabrication of a luminaire comprising the steps of selecting a pattern evocative (a pattern of evocation is created because one could find the pattern aesthetically pleasing) of an association on the part of an intended user of the luminaire with a person, place or thing and forming a pattern on at least certain surfaces of the luminaire, said pattern (see column 1, lines 47-57) being impervious and visible to the user on use of the luminaire in a normally intended manner.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4-8, 10-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korengold in view of Skrzypchak. Korengold discloses the claimed invention except for the teaching of a diamond tread pattern plate. Skrzypchak teaches a diamond treaded pattern for a vehicle fender. It would have been obvious to one skilled in the art at the time the invention was made to modify the light assembly of Korengold so as to include the patterned surface of Skrzypchak in order to provide an alternatively aesthetically pleasing effect to a person place or thing. Regarding claims 3, 12 and 20 the intended use recitation "luminaire is a shoplight" is an intended use limitation. Thus, since Korengold is capable of being used as a "shoplight" it meets this claimed limitation. Regarding claims 8, 11 and 20, the recitation of "the thing is a motor sport activity" is not given patentable weight because in independent claims 1, 9 and 19, applicant uses alternative language "person, place, or thing" so the reference of Korengold still meets the limitation because it already creates an association with a person and doesn't have to meet the other elements (place or thing) because applicant's claim limitation is in the alternative. Regarding claims 17-18, the luminaire/lamp holder is colored black.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Glendhill et al, Hill and Brown teach luminaries similar to applicant's invention.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember  
Primary Examiner  
Art Unit 2875

\*\*\*